IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 30TH NOVEMBER 2007 / 9TH AGRAHAYANA 1929

Bail Appl..No. 7331 of 2007()

FIR NO.57/07 OF COIMBATORE DCB POLICE STATION

PETITIONERS

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1. M.JOY VERGHESE, AGED YEARS,
   S/O.M.C.VERGHESE, 1908/A, "JOGI",
   CHALAPURAM PO., KOZHIKODE TALUK.

2. GEORGE VERGHESE, AGED 35 YEARS,
   S/O.
   1908/A, "JOGI", CHALAPURAM PO., KOZHIKODE TALUK.

3. SUNIL KUMAR, AGED 37 YEARS,
   S/O.C.P.APPU, KOLAYIL HOUSE, ELATHOOR AMSOM,
   CALICUT.

4. GEETHA JOY, AGED YEARS,
   W/O.M.JOY VERGHESE, 1908/A, "JOGI",
   CHALAPURAM PO, KOZHIKODE TALUK.

5. K.T.THANKAMMA, AGED YEARS,
   W/O.M.C.VERGHESE, 1908/A. "JOGI",
   CHALAPURAM P.O., KOZHIKODE TALUK.

BY ADV. SRI.MANJERI SUNDERRAJ
SRI.B.PREMNATH (E)

RESPONDENTS:

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1. STATE OF TAMIL NADU REP. BY
   STATION HOUSE OFFICER, COIMBATORE DCB POLICE
   STATION, COIMBATORE, CRIME 57/2007.

2. THE PUBLIC PROSECUTOR, HIGH COURT
   OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 7331 of 2007

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Dated this the 30th day of November, 2007

O R D E R

Application for anticipatory bail. The petitioners face allegations in a crime registered by the police in the neighbouring State of Tamil Nadu. Crime No. 57 of 2007 was registered at the Coimbatore DCB police station alleging offences punishable, inter alia, under Sections 406 and 420 I.P.C. against the petitioners. They apprehend imminent arrest.

2. The learned counsel for the petitioners submits that the allegations are totally false. Against the defacto complainant the petitioners have filed a complaint and a crime has been registered by the Calicut police. As a retaliation against the conduct of the petitioners complaining before the local police, totally false and vexatious allegations are raised in a complaint filed before the I.G. of Police, Tamil Nadu, which complaint has been sent to the local police station to register the crime.

3. The learned counsel for the petitioners further submits that the policemen from Tamil Nadu had attempted to forcibly take the petitioners without revealing the details. Objections were raised against such attempt and a complaint has been registered at the Town police station, Kozhikode on that allegation also. The petitioners pray that they may be granted anticipatory bail. They may be given an opportunity to surrender before the learned Magistrate having jurisdiction in peace without the threat and risk of they going into police custody and being the victims of torture. Subject to appropriate conditions, anticipatory bail may be granted, it is prayed.

4. The learned Prosecutor only submits that appropriate conditions may be imposed and it may be ensured that the petitioners are available before the court concerned and before the Investigating Officers.

5. I am satisfied, considering all the relevant inputs, that subject to appropriate conditions directions under Section 438 Cr.P.C. can be issued in favour of the petitioners.

6. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

a) The petitioners shall surrender before the learned Chief Judicial Magistrate, Kozhikode on or before 10.12.2007. They shall execute bonds for Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned C.J.M. They shall undertake before the learned C.J.M. that they shall appear before the learned Magistrate having jurisdiction in Tamil Nadu on or before 10.1.2008 and shall report compliance with this direction before the learned C.J.M. on or before 15.1.2008. The petitioners shall appear before the learned Magistrate having jurisdiction in Tamil Nadu on or before 10.1.2008 and abide by the orders to be passed by the learned Magistrate.

(b) If the petitioners do not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 10.12.07

and 10.1.2008 and the police shall be at liberty thereafter to arrest the petitioners and deal with them in accordance with law.

(d) If the petitioners were arrested prior to their surrender on 10.12.2007 as directed in clause (1) above, they shall be released on bail on their executing bonds for Rs.50,000/- without any surety undertaking to appear before the learned Magistrate on 10.12.2007.

(R. BASANT)
Judge

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